that, even though it could be shown that transactions on the Exchange are illegal, yet information concerning them would still be entitled to protection. Equity is not concerned with the general morals of a complainant; the taint that is regarded must affect the particular right asserted in his suit. *Fuller* v. *Berger,* 120 Fed. Rep. 274, 56 C. C. A. 588; *Saddle Co.* v. *Troxel,* (C. C.), 98 Fed. Rep. 620. The defendant in the principal case merely alleges a legal offense which affects him, only as it does the public at large, and it seems that the court properly granted the equitable remedy.

STREET RAILROADS—TAXATION—SITUS.—A Street Railroad Company operating a line from a village to the City of D. named the village in its articles as the location of its principal office. The meetings of directors and stockholders were held there and the records were kept in this office. The officers lived in D. and performed most of their routine duties there. Under a statute providing that the property of a street railroad shall be taxed in the place where its principal office is located, *held,* that the property was taxable in D. *Detroit, Y., A. A. & J. Ry.* v. *City of Detroit* (1905), — Mich. —, 104 N. W. Rep. 327.

The cases resolve themselves into the question as to how much business must be done at the place announced in the articles in order to make it the principal office. The fact that the directors and stockholders meet there is not sufficient. In the principal case there were several offices located at different places, all doing nearly the same amount of general business. In the former Michigan cases no business at all was done at the announced office, *Transportation Co.* v. *Assessors,* 91 Mich. 382; 51 N. W. Rep. 978; *Teagan Transportation Co.* v. *Detroit,* — Mich. —, 102 N. W. Rep. 273. But see *Detroit* v. *Lothrop Estate,* — Mich. —, 99 N. W. Rep. 9. The courts usually hold that the designation in the articles will not be final upon the assessors. A contrary rule would seem to give a corporation power to evade taxation where its "principal place of business" really is, by fixing it at some other place, when no other taxpayer has this right or power. *Milwaukee S. S. Co.* v. *City of Milwaukee,* 83 Wis. 590, 53 N. W. Rep. 839, 18 L. R. A. 353. The courts of New York have reached a different conclusion. *Western Transportation Co.* v. *Scheu,* 19 N. Y. 408. See note 56 Am. Dec. 523-537.

TELEGRAPH COMPANY—LIABILITY IN DAMAGES FOR MENTAL ANGUISH.—Defendant failed to deliver to plaintiff a telegram which would have allayed his anxiety over the whereabouts of his wife and children, whom he had expected on a certain train. *Held,* (one judge dissenting) that the defendant was liable in damages for the plaintiff's mental suffering. *Dayvis* v. *Western Union Telegraph Co.* (1905), — N. C. —, 51 S. E. Rep. 898.

Ever since the Texas court in *So Relle* v. *Western Union Telegraph Company,* 55 Tex. 308, first decided, in 1881, that damages could be recovered against telegraph companies for mental suffering that was unconnected with physical injury, the courts of the land have been gradually following or repudiating the Texas decision. At present, aside from South Carolina and Louisiana, that hold the rule by reason of statute and of civil law respectively, six states follow the Texas doctrine, and Washington in a kindred railroad case has

approved the rule. *Simmons* v. *Western Union Tel. Co.* (1901), 63 S. C. 425; *Graham* v. *Same* (1903), 109 La. 1069, 34 S. Rep. 91; *Wadsworth* v. *Same* (1888), 86 Tenn. 695, 8 S. W. Rep. 574, 6 Am. St. Rep. 864; *Western Union Tel. Co.* v. *Henderson* (1889), 89 Ala. 510; *Chapman* v. *Western Union Tel. Co.* (1890), 90 Ky. 265; *Young* v. *Same* (1890), 107 N. C. 370; *Mentzer* v. *Same* (1895), 93 Ia. 752; *Barnes* v. *Same* (1904), 27 Nev. 438, 76 Pac. Rep. 931; *Davis et al.* v. *Tacoma Railway and Power Co. et al.* (1904), 35 Wash. 203. Sixteen states, however, and the federal courts, excepting one that sits in Texas, deny recovery of damages for mere mental suffering. *Russell v. Western Union Tel. Co.* (1884), 3 Dak. 315; *West v. Same* (1888), 39 Kan. 93; *Chase* v. *Same* (1890), 44 Fed Rep. 554; *Western Union Tel. Co.* v. *Rogers* (1891), 68 Miss. 748; *Chapman* v. *Western Union Tel. Co.* (1892), 88 Ga. 763; *Telegraph Co.* v. *Saunders* (1893), 32 Fla. 434; *Newman* v. *Western Union Tel Co.* (1893), 54 Mo. App. 434; *Summerfield* v. *Same* (1894), 87 Wis. 1; *Butner* v. *Same* (1894), 2 Okla. 234; *Francis* v. *Same* (1894), 58 Minn. 252; *Morton* v. *Same* (1895), 53 Ohio St. 431; *Western Union Tel. Co.* v. *Haltom,* (1897), 71 Ill. App. 63; *Curtin* v. *Western Union Tel. Co.* (1897), 13 N. Y. App. Div. 253; *Peay* v. *Same* (1898), 64 Ark. 538; *Davis* v. *Same* (1899), 46 W. Va. 48; *Western Union Tel. Co.* v. *Ferguson* (1901), 157 Ind. 64, overruling *Reese* v. *Tel Co.* (1889), 123 Ind. 294; *Connelly* v. *Western Union Tel. Co.* (1902), 100 Va. 51. Twelve of these decisions have been rendered since 1893, while only two states, since that year, have adopted the Texas rule as common law. The trend of decisions then seems obviously against that rule, although the opinions supporting it are better reasoned. SUTHERLAND, DAMAGES (3rd Ed.) § 980; 29 AM. LAW REV. 209, note 266. The case under review helps to remove an objection that has often been interposed to the Texas rule, that it is not consistently applied by its adherents. 1 MICH. LAW REV. 525. The dissenting opinion in this case relied on *Sparkman* v. *Western Union Tel. Co.,* 130 N. C. 447, 41 S. E. Rep. 881, which at least suggested that there could be no substantial recovery for a culpable failure to deliver a telegram which was meant merely to relieve mental anguish then already existing. Texas had also held that a continuation of mental anguish could not be measured; it was speculative as compared with mental suffering originally caused by failure to deliver a telegram. *Rowell* v. *Western Union Tel. Co.,* 75 Tex. 26, 12 S. W. Rep. 534; *Johnson* v. *Same,* 14 Tex. Civ. App. 536, 38 S. W. Rep. 64. This is more than a restriction on the original doctrine; it is a contradiction of it. SUTHERLAND, DAMAGES (3rd Ed.) § 975. For damages have been given again and again by the Texas courts for the negligent failure of a telegraph company to relieve mental anxiety about the serious illness or the death of a relative. *Western Union Tel. Co.* v. *Cavin,* 30 Tex. Civ. App. 152, 70 S. W. Rep. 229. And in *Same* v. *Womack,* 9 Tex. Civ. App. 607, damages were recovered by a father for the suffering he underwent and which had gone unrelieved by a telegram that would have informed him of his son's whereabouts; facts similar to those in the present case. For North Carolina then, the present case restores the Texas rule in its full extent.

TENANTS IN COMMON—OUSTER.—In 1818, one Thayer died intestate, seised of certain real estate here in dispute, leaving a widow and three daughters,